

CR # 04-1703-CBS

AFFIDAVIT

I, Albert D. Lamoreaux, being sworn, state as follows:

1. I am a Special Agent ("SA") of the Federal Bureau of Investigation ("FBI") and have been so employed since August 1983. I am presently assigned to the Hudson, Massachusetts Resident Agency of the FBI. I have received specialized training from the FBI in the investigation of crimes involving children and am designated as an FBI Crimes Against Children Coordinator for the Boston Office of the FBI.

2. I submit this affidavit in support of a criminal complaint charging Christopher Hendrickx (DOB: 9/7/78; SSN: 028-58-4720), of 13 Prospect Street, West Boylston, Massachusetts, with:

a. knowingly transporting and shipping in interstate commerce visual depictions of minors engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, in violation of Title 18, United States Code, Section 2252(a)(1) and (b)(1) (penalty provision); and

b. knowingly possessing one or more matter which contain visual depictions of minors engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, that have been mailed, and have been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 2252(a)(4)(B) and (b)(2) (penalty provision).

3. This affidavit is based upon my personal knowledge, information from Special Agent Steve Forrest, of the Buffalo Division of the FBI, information from documents that I have reviewed, interviews of Christopher Hendrickx and others, as well as analysis of computers seized pursuant to a Federal search warrant issued by this Court.

DETAILS OF INVESTIGATION

4. On May 1, 2003, SA Forrest, an FBI Special Agent assigned to the Buffalo FBI Field Office, acting in an undercover capacity, at Buffalo, New York, utilized America Online ("AOL") to investigate individuals involved in the transmission and/or receipt of child pornography. While in the AOL chat room entitled "lilvy," SA Forrest, using the screen name HUDSONSURFER, observed an individual, using the AOL screen name HAPPYDAYSHERE769, send a message to the room which stated "trading here pics and vids looking for vids more".

5. At approximately 8:38AM that date, SA Forrest initiated an Instant Message session with the individual using the AOL screen name HAPPYDAYSHERE769. SA Forrest told HAPPYDAYSHERE769 that he had videos of ages 5-15, to which HAPPYDAYSHERE769 stated "well six or seven and up is good for me, I have a bunch too . . . trade?"

6. At approximately 8:40AM, SA Forrest received an e-mail from HAPPYDAYSHERE769 with an attached video file titled "2presisters.mpg." This video is approximately five (5) seconds in

length and depicts what appear to be two (2) prepubescent females engaged in sexual activity.

7. At approximately 8:41AM, EST, SA Forrest received an e-mail from HAPPYDAYSHERE769 with an attached video file entitled "Movie01.mpg." This video is approximately ten (10) seconds in length and depicts what appears to be a six (6) or seven (7) year-old female masturbating an adult male.

8. At approximately 8:42AM, SA Forrest received an e-mail from HAPPYDAYSHERE769 with an attached video file entitled "Ouch Girl and Dad.mpg." This video is approximately two (2) minutes in length and depicts an adult male performing oral sex on a prepubescent female and also engaging in vaginal intercourse with the prepubescent female.

9. At approximately 9:13AM, SA Forrest sent an e-mail to HAPPYDAYSHERE769 with an encrypted file attached to the e-mail. The file sent with the e-mail to HAPPYDAYSHERE769 was entitled "dadnk15.ZIP."

10. At approximately 9:34AM, SA Forrest received an e-mail from HAPPYDAYSHERE769 with an attached video file titled "6yr.avi." This video is approximately ten (10) seconds in length and depicts an adult male having vaginal intercourse with what appears to be a prepubescent female. This e-mail also contained a text message which stated "I SO wish I could play those but I can't, can't do avi's DOH!!!," indicating that HAPPYDAYSHERE769 could not open the

file sent to him by SA Forrest.

11. On July 18, 2003, I interviewed Christine E. Barron, MD, who is the Director of the Child Protection Program at the UMASS/Memorial Children's Medical Center, Worcester, Massachusetts, as well as an Assistant Professor of Pediatrics at the UMASS Medical School. Dr. Barron has received and provided extensive training in the field of child protection issues and is considered an expert in this area.

12. The video files listed above (2Presisters, Movie01, OuchGirl and Dad, and 6yr) were displayed by me to Dr. Barron, who opined that the videos appear to depict prepubescent children involved in sexual activity with adults and/or other prepubescent children.

13. Following the aforementioned online activity, SA Forrest contacted AOL in order to determine the true identity of the subscriber associated with the aforementioned screen name.

14. AOL provided the following subscriber information associated with screen name HAPPYDAYSHERE769:

NAME:	CHRISTOPHER HENDRICKX
ADDRESS:	13 Prospect Street West Boylston, MA
TELEPHONE:	508-835-2409
SCREEN NAMES:	nike9778; adrew41683; milhouse9778;happydayshere769
ACCOUNT ACTIVE:	10-27-1998
BILLING INFO:	CHRISTOPHER M. HENDRICKX

15. Based on information provided on AOL Member Profiles or the screen names associated with CHRISTOPHER HENDRICKX's account, it is believed that the screen names NIKE9778, MILHOUSE9778, HAPPYDAYSHERE769 are utilized by CHRISTOPHER HENDRICKX.

16. For the screen names NIKE9778 and MILHOUSE9778, it is noted that both profiles list a name of CHRIS and a location of "West Boylston." It is also noted that this individual listed for the "occupation" category: "in the hospital and working with kids."¹

17. It is noted that both profiles for screen names MILHOUSE9778 and HAPPYDAYSHERE769 had almost identical quotes listed in the "Personal Quote" category:

HAPPYDAYSHERE769: *"Angels north, angels South, angels East and West do your best to watch over me while I rest - DMX.*

MILHOUSE9778: *"Angels north and south, angels east and west do your best to watch over me while I rest - DMX"*

18. Additionally, both screen names have similar quotes in the "Marital Status" section:

HAPPYDAYSHERE769: "single damn single"

MILHOUSE9778: "single freakin single"

19. SA Forrest told me that the profile for HAPPYDAYSHERE769

¹ During a November 21, 2003 interview, described within, CHRISTOPHER HENDRICKX told me that since August 2000 he has been employed as a file clerk in the radiology department at a local hospital. Further, CHRISTOPHER HENDRICKX reported that he has no contact with children or patients.

indicated that this individual's name is "DONALD" and that he resides in the "Tampa Bay area." However, it has been SA Forrest's experience that in many instances where a certain screen name associated with an account is used to trade child pornography that the individual will often provide fictitious information in the profile because of the nature of the material being traded through the use of that particular screen name.

20. SA Forrest told me he believes that the screen name ADREW41683 may be utilized by an ANDREW HENDRICKX, who based upon age and home address, appears to be CHRISTOPHER HENDICKX's younger brother. ANDREW HENDRICKX has a date of birth of April 16, 1983, according to the Choicepoint Public Sector Database, and has the same listed address as CHRISTOPHER HENDRICKX, 13 Prospect Street, West Boylston.

21. I searched records maintained by the Massachusetts Registry of Motor Vehicles and "Choice Point Public Sector Database." Both list CHRISTOPHER HENDRICKX, date of birth September 7, 1978, as a resident at 13 Prospect Street, West Boylston, Massachusetts.

22. Based upon the above, a Federal search warrant was obtained and on November 20, 2003, the residence of Christopher Hendrickx, located at 13 Prospect Street, West Boylston, was searched. Two computers, several computer disks, and other peripheral equipment were seized.

23. On November 21, 2003 and December 11, 2003, I interviewed CHRISTOPHER HENDRICKX, who voluntarily appeared at the FBI Office located in Hudson, MA. On both occasions, I informed HENDRICKX of his Miranda rights, as outlined on FBI form FD-395. On both occasions, HENDRICKX indicated he wished to waive his rights and signed the FD-395 forms, evidencing his waiver. HENDRICKX provided the following information to me.

24. On November 21, 2003, HENDRICKX told me he enjoys viewing photographs and movies depicting children, as young as eight years-old, engaging in sexual activity. HENDRICKX told me he has downloaded many files from the Internet depicting such activities. He estimated there are thousands of images of this type on the his computers, seized by the FBI. He told me all of the images of this type on his computer were obtained via download from the Internet.

25. HENDRICKX told me his primary Internet Service Provider (ISP) is America Online (AOL), a service he has used for the past five years. He told me his AOL screen names include *happysdayshere769*, *Millhouse9778*, and *Nike9778*.

26. HENDRICKX told me he subscribes to a newsgroup, EZNews.com, a server/website which allows him to trade image and movie files depicting children as young as eight years-old engaging in sexual activities with adults and other children.

27. I displayed copies of the following video files to HENDRICKX, using an FBI laptop computer:

- a. 2PRESISTERS.MPG;
- b. 6yr.avi;
- c. Movie01.mpg; and
- d. OUCH_GIRL_AND_DAD.MPG.

28. HENDRICKX told me he recognized each of the above files as movies he had downloaded from the internet. He agreed they all depict images of pre-teenage females engaged in sexual activities with other pre-teenage females or adults. HENDRICKX stated he is sure the above files will be found on his IMAC computer.

29. HENDRICKX told me he recalls sending, via his computer and the Internet, copies of 2PRESISTERS.MPG; 6yr.avi; and OUCH_GIRL_AND_DAD.MPG to people he corresponded with over the Internet. He usually sent the files as attachments to e-mails. HENDRICKX told me he does not recall sending the file named Movie01.mpg to anyone, but stated he might have done so.

30. On December 11, 2003, I again interviewed HENDRICKX. He provided the following information to me.

31. HENDRICKX told me he and his brother, ANDREW, owned and used their own separate personal computer. CHRISTOPHER HENDRICKX used an Apple IMAC brand while his brother ANDREW used a Dell desktop model. The two computers used the same Internet connection. The computers were not networked in a way which would

allow for file sharing between the computers. Both computers were seized November 20, 2003, pursuant to a Federal search warrant.

32. HENDRICKX told me he frequently downloaded, from the Internet, movies and pictures depicting pre-teenage children having sex with adults and/or other children. The files were sometimes downloaded using a file sharing-program named KAZAA.

33. HENDRICKX told me he installed the program KAZAA on his brother ANDREW's computer (Dell). For technical reasons, HENDRICKX stated KAZAA could not be installed on his Apple IMAC machine. As such, HENDRICKX stated he frequently used his brother's computer to download child pornography using KAZAA. HENDRICKX stated his brother had no knowledge of his computer being used to download child pornography.

34. HENDRICKX told me that after the child pornography files had been downloaded onto ANDREW's computer, he, CHRISTOPHER HENDRICKX, would e-mail them as an attachment from ANDREW's machine to his, CHRISTOPHER's, machine. HENDRICKX would then delete the files from ANDREW's computer so that ANDREW would not know anything about the files.

35. I reviewed printouts, provided to me by FBI Computer Analysis Response Team Field Examiner (CART/FE) STEVE SWANSON. CART/FE SWANSON is a computer forensic expert and is certified by the FBI to seize and analyze computers. The printouts provided to me indicated that the four files listed in paragraph #27 above were

e-mailed from adrew41683@charter.net. to happydayshere769@aol.com.
The files were sent as an attachment to these e-mails.

36. HENDRICKX told me his brother's e-mail address is adrew41683@charter.net. The e-mail program ANDREW HENDRICKX used required no password to access the system. HENDRICKX told me that to transfer the downloaded child pornography files from ANDREW's computer to his own, he would open ANDREW's e-mail program (Outlook Express) and send an e-mail with a file attachment to his own e-mail address happydayshere769@aol.com. HENDRICKX told me that once the child pornography files were on his computer (IMAC), he was able to trade them with other people using e-mail and the Internet.

37. HENDRICKX told me that any e-mails in ANDREW HENDRICKX'S computer which refer to e-mail from adrew41683@charter.net to happydayshere769@aol.com are ones he, CHRISTOPHER HENDRICKX, sent to himself for the purpose of retrieving files downloaded onto ANDREW HENDRICKX' computer by CHRISTOPHER HENDRICKX.

38. On December 11, 2003, Steven Swanson, an FBI Computer Analysis Response Team Field Examiner (CART/FE), provided copies of several computer files which were copied from a DELL Computer, serial number J76FV11. This computer was seized by the FBI on November 20, 2003, pursuant to a Federal search warrant. The following files were retrieved from this computer:

- a. pedo-lolitas.2ninos follando 1 nina.....JPeg;
- b. dee&desi dike out while guy cums(1).mpg;
- c. childlover_little_Collection_Video_0162(1).avi;

- d. Dee & Desi 4(0,`7).mpeg; and
- e. vicky with sound kiddy.mpg.

39. On December 11, 2003, I viewed the above files. In my opinion, all of the above files depict pre-pubescent females engaged in sexual activity with other pre-pubescent females and/or adults.

40. I reviewed printouts, provided to me by CART/FE SWANSON, indicating that the five files listed in paragraph #38 above were e-mailed from adrew41683@charter.net. to happydayshere769@aol.com. The files were sent as attachments to these e-mails.


41. On December 11, 2003, using an FBI laptop computer, I displayed the above files, listed in paragraph 38 to CHRISTOPHER HENDRICKX. HENDRICKX told me, referring to the above files, that he recognizes them as files he downloaded from the Internet, using his brother ANDREW's machine, from the site KAZAA. CHRISTOPHER HENDRICKX further states he then e-mailed these files to his own personal computer (IMAC). HENDRICKX told me he believes these files depict children engaged in sexual activity.

42. Based on the above, there is probable cause to believe that:

a. on or about May 1, 2003, CHRISTOPHER HENDRICKX, in West Boylston, Massachusetts, in the District of Massachusetts, did knowingly transport and ship in interstate commerce visual depictions of minors engaging in sexually explicit conduct, as

defined in Title 18, United States Code, Section 2256, in violation of Title 18, United States Code, Section 2252(a)(1) and (b)(1) (penalty provision); and

b. on or about November 20, 2003, in West Boylston, Massachusetts, in the District of Massachusetts, did knowingly possess one or more matter which contain visual depictions of minors engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256, that have been mailed, and have been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 2252(a)(4)(B) and (b)(2) (penalty provision).


Albert D. Lamoreaux
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on this the 12th day of March, 2004, at Worcester, Massachusetts.


CHARLES B. STUARTWOOD, III
United States Magistrate Judge

